

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 17, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Major Poindexter.

Lisa Goldner, Keith McKinney, Nicole Upano, Trevor Vance, Molly Blaase, Bonnee Reay, Brad Klopfenstein, Marc Carmichael, Ed Arnold, Jim Purucker and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Vice Chairman Johnson moved to approve the minutes that were submitted for the June 3, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the June 17, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred eighty-eight (388) renewals approved, thirty-six (36) new and/or transfer permits approved, ten (10) permits approved for catering, five (5) permits approved for first year escrow, five (5) permits approved for second year escrow, three (3) permits approved for third year escrow, one (1) permit approved for fourth year escrow and two (2) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL45-23891 WAL-MART STORES EAST LP – Chairman Heath noted this is a new type 208 with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated numerous petitions for and against the issuance of this permit were submitted at the local board hearing.

After careful review of the entire record, Commissioner Guthrie moved to overturn the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR02-20982 ZAMBUCA'S ITALIAN PUB, INC. – Commissioner Guthrie stated the location for this permit was annexed into the city limits of Fort Wayne. The permittee requests the Commission convert this permit from a type 209 permit to a type 210 permit.

Commissioner Guthrie moved to approve the conversion. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR02-19817 MHAK, INC. - Commissioner Guthrie stated the location for this permit was annexed into the city limits of Fort Wayne. The permittee requests the Commission convert this permit from a type 209 permit to a type 210 permit.

Commissioner Guthrie moved to approve the conversion. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL57-23956 TWF HOLDING COMPANY, INC., D/B/A SAVE-A-LOT FOOD STORES – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL39-23988 ANTHONY L. WILLIAMS, D/B/A CHELSEA GENERAL STORE – Chairman Heath noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR24-23980 & 23981 REPARO BROOKVILLE, INC., D/B/A EL REPARO MEXICAN RESTAURANT – Chairman Heath noted this is a new type 112 application and a new type 210-1 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR46-23909 JENNIE RAE'S, LLC – Chairman Heath noted this is a new type 209 with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR40-05265 DUFF'S INCORPORATED – Chairman Heath noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL05-23124 GASAMERICA SERVICES, INC. Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL85-23391 FOOD CUPBOARD, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to on (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RC84-23902 AMVETS POST 222 – Chairman Heath noted this is a new type 211-4 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

PERMITS MADE DEAD - Vice Chairman Johnson moved to make four permits inactive. All four (4) permits are not subject to auction. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-21407 CROWN BISTRO, INC - Commissioner Guthrie moved to reactivate the above-referenced permit for purposes of transferring the permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

TYPE II GAMING EMERGENCY RULES – Executive Secretary Choe stated that House Bill 1153 goes into effect July 1, 2008. The Bill allows for emergency rules to be filed. The Executive Secretary requested the Commission approve the filing of the emergency rules regarding Type II Gaming.

Commissioner Guthrie moved to approve the filing of the rules. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Guthrie moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER